

July 14, 2021

Dear Climate Action Council Member:

Thank you for your service to the New York State Climate Action Council. Recently, Environmental Advocates NY gathered two dozen local government leaders and experts to discuss climate policy solutions and practices to reduce greenhouse gases and co-pollutant emissions drastically.

The leadership and decisions of local governments will play a key role in determining how successful we are in achieving the goals of the Climate Leadership and Community Protection Act (CLCPA). Since there is no single representative currently working in local government as a member of any advisory panel, we brought together local government officials to build on the Land Use and Local Governments (LULG) Advisory Panel efforts. Our dedicated group will continue reviewing and making recommendations for your consideration and will be doing so with a more community-focused lens.

Today, we offer the following comments on the current recommendations of the LULG Advisory Panel. Overall, we are supportive of several recommendations. We appreciate the recommendation to develop a comprehensive strategy to transition from existing natural gas infrastructure and the recent decision to remove renewable natural gas and hydrogen from the LULG recommendations.

We believe the LULG recommendations can and should be strengthened in the following ways.

Prioritizing Disadvantaged Communities

Explicit language is needed to describe how CLCPA implementation will prioritize the needs of disadvantaged communities, particularly in dense urban areas. The Climate Justice Working Group is currently working to define “disadvantaged communities” and we look forward to their input. The LULG panel’s recommendations have focused on increasing commercial and residential density, which in areas that can accommodate additional growth, like suburbs, is a win-win strategy. However, if applied to disadvantaged communities in denser areas, growth can be problematic and lead to gentrification. One way to address this issue is to build upon the definition for “transit-oriented development” to include preparing communities for a Just Transition, rather than simply striving for development and growth, while also addressing other needs that may not have anything to do with growth.

The definition of “smart growth” should address various types of mixed-use planning. Further, there are significant implications for disadvantaged communities, as noted above, that should be factored in here, and data-driven criteria should be used to identify priority development and conservation areas. Proposed investments focus on expanding transportation infrastructure to accommodate new growth. Current recommendations address commercial and residential uses, missing the opportunity to promote open space and recreation, but also sustainable and resilient industrial development in compliance with the CLCPA's commitment to a Just Transition.

Engagement of disadvantaged communities in the planning and implementation of projects should be required.

There is also concern that the recommendations for smart growth, specifically the transportation and building sectors, do not consider the vastly different needs of distinct areas of New York State. For example, using an upstate New York building profile to inform home electrification plans for the entire state will not work in New York City, where single-family homes are few and far between. In general, there should be more thought given to differences in needs between rural, suburban, and urban areas. Smart growth solutions may need to be place-specific, and localities have the insider knowledge to provide the best pathways forward. One great community-based example that demonstrates a successful grassroots model is the Green Resilient Industrial District (GRID) draft alternative planning proposal for Sunset Park, Brooklyn, developed by UPROSE in conjunction with the Protect Our Working Waterfront Alliance (POWWA) and its consultants.

Reforming Regional Economic Development Councils

As currently structured, local decision-making, including funding for implementation, should not rely heavily on the Regional Economic Development Councils (REDCs), as they currently operate. We have received consistent feedback that these bodies do not adequately reflect the communities they serve, as they lack diversity and community inclusion. If this recommendation progresses – and there is a benefit to using existing structures rather than having to reinvent a whole new structure – REDCs should be more diverse and should integrate climate and equity screens of the CLCPA (Section 7) into their decisions going forward with recommendations and strategies informing how funding decisions are made. This could include a resurrection and update to “Cleaner Greener” plans that each REDC developed several years ago, to move forward on CLCPA goals. Overall, regional implementation was seen as positive and recommended by our group.

Additional themes that emerged from our roundtable:

A climate and equity lens in line with CLCPA (Section 7) requirements should be implemented on a local level and include trainings on what is in the law and how it will impact local and state operations in the future.

Funding a Just Transition at the Local Level

Funding was discussed by our group, with the explicit concern about unfunded mandates to local governments being simply unfeasible. Available funds are needed in areas across the state for local and regional decentralized energy planning, as well as training programs, for both local governments and community-based organizations to aid in planning and implementation. If administered as a grant program, this should not be a competitive process, and disadvantaged communities should be prioritized in accessing these funds first and be provided access to additional administrative resources to apply for such programs.

There is great concern about how this work will get done. For example, Ulster County estimated

that retrofitting low-moderate income homes in their community would cost \$100 million/year for 30 years. Most local governments do not have staffing to write grants for this kind of money, much less to carry out the work.

The Climate and Community Investment Act (CCIA) was identified as a source of implementation funding.

There should also be a mechanism to prevent raids of clean energy funds and ensure compliance with the 35% mandate of the CLCPA. Recommendations should create a structure and be clear on prioritizing spending, beyond just smart growth and transit-oriented development, toward local priorities like home retrofits for energy burdened communities.

Additional funding suggestions to consider include:

- Incentives for local resolutions to codify CLCPA on the local government level, tied to funding or related programming.
- Ensure that large budget areas (such as transportation and economic development) prioritize climate investments.
- Invest more funds in the Clean Energy Community Coordinators and Climate Smart Communities systems to bridge local officials and funding opportunities. These programs and associated coordinators are already embedded in the communities they serve; their scope could be expanded to help with local coordination if a new comprehensive program is not developed.
- Direct funding should be made available for whole projects, creating regional pockets of special rates or cost forgiveness, allowing climate change initiatives to be exempt from the governor's 2% property tax cap increase for local budgets.

Local Planning Assistance

Local governments should have more authority and involvement in energy planning, such as in public utility rate cases. Requiring rate case information to be consolidated, simplified, and shared with local officials can help empower local governments.

Regional planning models should be considered to implement the CLCPA on the ground with appropriate on-the-ground implementation processes and locally specific solutions that reflect differing needs of rural vs. urban densities. Additionally, pathways for compliance should be context and place specific.

Explicit climate projections (sea level rise, weather, rainfall, etc.) should be consistently used across state agencies, in addition to SEQR and CEQR. Use of scientific climate change projections, such as those in NYSERDA's ClimAID 2.0 Report, should be required in planning and as part of any NYS Climate Action Plan. Using standardized data to inform regionally specific decision-making planning is critical in avoiding situations where developers may use whichever projections are most convenient to suit their bottom line. Each recommendation should also relate back to making the state more robust and resilient to climate change.

Grid-level recommendations

The current location and capacity of the grid should not drive where large-scale renewable energy should go. We need a process for considering the optimal use of land when modernizing the grid, (i.e., avoid fertile soil and forested land), as well as distribution and energy storage needs; and resiliency should be fully integrated into all recommendations, not addressed separately.

Thank you for all you do and for your consideration.

Signed,

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